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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,322	06/15/2000	Antonio Nevarez	9049.00	8854

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EXAMINER

BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/594,322

Applicant(s)

NEVAREZ, ANTONIO

Examiner

FIRMN BACKER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 and 13-26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Keene et al (U.S. PG Pub No. 2004/0049294 A1).

3. As per claim 1, Keene et al teach a method for use in improving profitability of one or more business entities, comprising receiving business-related data (*objects associated with business document*), from at least two unrelated business entities (*businesses*), where the business related data describes one or more aspect of the operations of each of the business entities; storing at least some of the business-related data from each of the business entities in a common database (*information retention system, 138*). Keene further teach a system wherein in accordance with the terms of an agreement (*business agreement*) among the business entities (*among business partners*), allowing at least one of the business entities to receive information (*confidential information*) gathered from the common database where the information includes data describing some aspect of a business relationship between at least one of the business

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entities and another entity that is not party to the agreement (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

4. As per claim 2, Keene et al teach a method where allowing one of the business entities to receive information gathered from the common database includes gathering at least some of the information from data received from a business entity other than the one receiving the information (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

5. As per claim 3, Keene et al teach a method where allowing one of the business entities to receive information gathered from the common database includes granting that business entity permission to gather the information directly from the common database (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

6. As per claim 4, Keene et al teach a method where allowing one of the business entities to receive information gathered from the common database includes gathering the information on behalf of the business entity and then delivering the information to the business entity (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

7. As per claim 5, Keene et al teach a method where storing data in the common database includes storing the data in a database maintained by an entity in the business of providing data warehousing services (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

8. As per claim 6, Keene et al teach a method of granting unrestricted access to the common database only to a third party named in the agreement among the business entities (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

9. As per claim 7, Keene et al teach a method where storing data in the common database includes storing the data in a scalable data warehouse (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

10. As per claim 8 and 9, Keene et al teach a method where storing data in the common database include storing the data in a warehouse having a total capacity of at least approximately one to hundreds terabyte (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

11. As per claim 10, Keene et al teach a method where receiving business-related data includes receiving data that describes the customers of at least one of the business entities (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

12. As per claim 11, Keene et al teach a method where receiving business-related data includes receiving data that describes the products offered by at least one of the business entities (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

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13. As per claim 13, Keene et al teach a method where receiving business-related data includes receiving consumer data and product data from the business entities (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

14. As per claim 14, Keene et al teach a method where receiving business-related data includes occasionally receiving new data from the business entities (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

15. As per claim 15 and 16, Keene et al teach a method where receiving business-related data includes receiving data that is also stored in a private data warehouse maintained by/on behalf one of the business entities under a data-warehouse services agreement (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

16. As per claim 17, Keene et al teach a method of negotiating the agreement among the business entities in the group (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

17. As per claim 18, Keene et al teach a method for use in operating a consortium among a number of distinct and unrelated business entities, the method comprising: collecting business related data gathered by the unrelated business entities, where the business-related data describes one or more aspects of the operations of each of the business entities, and delivering at least some of the extracted information to each of the business entities in the consortium, a system of applying an agreement negotiated among the entities for controlling the business-related data in a

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shared data warehouse, extracting information from the pooled data in accordance with terms of the negotiated agreement, where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement. (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

18. As per claim 19, Keene et al teach a method that included pooling the data into a data warehousing system owned by a third party who does not contribute any of the pooled data (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

19. As per claim 20, Keene et al teach a method of pooling the data into a data warehousing system owned by a third party who is in the business of providing data warehousing services (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

20. As per claim 21-23, Keene et al teach a method of applying an agreement drafted to include terms governing the types of data to be placed in the shared data warehouse, access to the shared data warehouse, types of information can be extracted from the shared data warehouse (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

21. As per claim 24, Keene et al teach a method applying an agreement drafted to include terms providing for payment of money in exchange for services provided by a third party selected to maintaining the shared data warehouse (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

22. As per claims 25 and 26, Keene et al teach a computer network comprising one or more channels for use in receiving business-related data from at least two unrelated business entities where the business-related data describes one or more aspects of the operations of each of the business entities and a shared comprising a storage facility in which at least some of the business-related data received from each of the business entities is stored a mechanism for use in; and deliver the information to at least one of the business entities, a system of granting database access only in accordance with the terms of an agreement among the business entities; and a computer system configured to gather information from the shared database when instructed to do so by a party having access to the database, where the information includes data described some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

### ***Response to Arguments***

23. Applicant's arguments filed December 8<sup>th</sup>, 2006 have been fully considered but they are not persuasive.

- a. Applicant argue that the prior art (Keene et al) fail to teach show or suggest the delivery of information describing the business relationship between one of the business entities and "another entity that is not party to the agreement." Examiner respectfully disagrees with Applicant characterization of the prior art. As argue by the Applicant,



Keene et al teach a system that provides a database system for storing and providing controlled access to objects and associated documents by multiple users according to predetermined privileges. Individual users, or guests, can be given access to the objects, its attributes and associated documents as determined by the host of the information. *The host of the information can set up access privileges based on any type of relationship.*

This is particularly useful in complex business relationships between a host and a plurality of users, both of which may be sensitive about their trade secrets and other confidential information. In operation, after given an access identification, a user can access the database system and request access to an object. The system then retrieves information pertaining to the individual user's privilege criteria and determines which information contained in the database may be accessed by the requestor. *The system then filters the information including objects, their attributes and associated documents according to the privilege information and gives the user limited access to the information.* The requested and approved information can then be sent to the requestor of the information. This could also be displayed to the user as a document file having a redacted document, blocking out the information that the user is not privileged to see.

Keene clearly state that "this criteria can be set according to one or a number of business agreements among business partners for handling privileged and confidential information during the course of business." This is to indicate that if a user or requestor is not in any agreement with the system or if the access criteria fail to match the preset criteria, access to the data/information will be denied.

***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

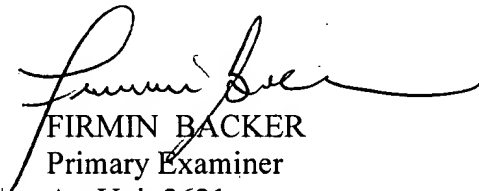
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



FIRMIN BACKER  
Primary Examiner  
Art Unit 3621

February 11, 2007